

Message Text

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ACTION ARA-20

INFO OCT-01 EUR-25 IO-14 ISO-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03

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FM AMEMBASSY SANTIAGO

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INFO AMEMBASSY BERN

AMEMBASSY BONN

AMEMBASSY BUENOS AIRES

AMEMBASSY CARACAS

AMEMBASSY LIMA

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AMEMBASSY ROME

AMEMBASSY STOCKHOLM

AMEMBASSY TEGUCIGALPA

USMISSION GENEVA

USMISSION USUN NEW YORK

C O N F I D E N T I A L SANTIAGO 6305

E.O. 11652: GDS

TAGS: CI, PFOR

SUBJ: EXTRADITION OF ASYLEES

1. SUMMARY. STAGE BEING SET FOR EXTRADITION REQUESTS FOR
POLITICAL ASYLEES. END SUMMARY.

2. SEVERAL CASES ARE PENDING WAY THRU CHILEAN JUDICIAL SYSTEM
AND MINFONRELATIONS WHICH MAY BE PRECURSORS OF LARGE NUMBER
EXTRADITION REQUESTS TO BE PRESENTED TO FOREIGN GOVTS BY GOC IN
COMING MONTHS. GOC'S STATED POSITION IS THAT INDIVIDUALS WHO
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HAVE SOUGHT ASYLUM IN SANTIAGO EMBASSIES AND WHO THE GOVT

DETERMINES TO BE PERSECUTABLE FOR COMMON CRIMES WILL NOT BE GRANTED SAFECONDUCTS TO LEAVE COUNTRY UNTIL GOC HAS READY FOR SIMULTANEOUS PRESENTATION REQUESTS FOR EXTRADITION (SANTIAGO 5810).

3. CURRENTLY OVER 250 ASYLEES HAVE THEIR SAFECONDUCT REQUESTS IN "DEFERRED" STATUS WHILE CHILEAN COURTS BEGIN PROCESS OF AMASSING MATERIAL TO BE USED IN CHARGES AGAINST THEM. BY LAW ALL CASES MUST PASS THRU SUPREME COURT WHICH WILL DECIDE WHETHER OR NOT TO ASK MINFONRELS TO REQUEST EXTRADITION. PRESUMABLY EXTRADITION WILL NOT BE REQUESTED FROM COUNTRIES WITH WHICH CHILE HAS NO BILATERAL EXTRADITION TREATIES NOR WITH THOSE THAT ARE NOT SIGNATORIES OF INTERNATIONAL ASYLUM TREATIES WHICH CONTAIN EXTRADITION CLAUSES. OTHER THAN GENERAL STATEMENTS TO EFFECT THAT GOC WILL HONOR INTERNATIONAL OBLIGATIONS, THERE IS NO CLEAR INDICATION HOW JUNTA WILL ULTIMATELY DEAL WITH PROBLEM OF ASYLEES WANTED FOR COMMON CRIMES RESIDING IN EMBASSIES OF LATTER GROUP OF (PRIMARILY EUROPEAN) NATIONS.

4. TO DATE, CASES CONSIDERED BY COURTS HAVE INVOLVED IMPORTANT UNIDAD POPULAR PERSONALITIES PEDRO VUSKOVIC AND PATRICIO PALMA AS WELL AS LESSER LIGHTS. VUSKOVIC, A SOCIALIST, IS FORMER MINECON, CABINET LEVEL CHIEF OF CORFO (CHILEAN DEVELOPMENT CORP) AND MAN MANY CHILEANS BLAME HEAVILY FOR ECONOMIC DISASTER WHICH BEFELL CHILE. VUSKOVIC, WHO CURRENTLY IN RESIDENCE IN MEXICAN EMBASSY, AND 2 OTHER CORFO EMPLOYEES, ARE CHARGED WITH THEFT (HURTO). FISCAL (REVIEWING ATTORNEY) OF SUPREME COURT HAS REVIEWED CASE AGAINST THEM PRESENTED BY LOWER COURT AND HAS RECOMMENDED THAT SUPREME COURT ASK MINFONRELS TO SEEK VUSKOVIC'S EXTRADITION.

5. IN CASE OF COMMUNIST PATRICIO PALMA, FORMER DIRECTOR OF DIRINCO (PRICE CONTROL AGENCY), SUPREME COURT FISCAL RULED THAT CHARGES AGAINST IM DATING FROM BEFORE SEPT 11 COUP FOR PUBLIC BREACH OF FAITH (PREVARICACION) ARE NOT EXTRADITABLE OFFENSES AND THEREFORE RECOMMENDED AGAINST THE COURT SEEKING MINFONRELS' ACTION. PALMA IS REPORTEDLY CURRENTLY IN THE EMBASSY OF HONDURAS. SUPREME COURT MUST NOW DECIDE TO APPROVE OR REJECT RECOMMENDATIONS.

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6. CASE WHICH HAS GONE FURTHEST AND WHICH HAS APPARENTLY ALREADY BEEN RECOMMENDED BY SUPREME COURT FOR EXTRADITION INVOLVES JAIME FLORES, FORMER GOC INTERVENTOR OF COBRE CERRILLOS (62 0/0 PHELPS DODGE), WHO ON THE MORNING OF SEPT 11 REPORTEDLY LIFTED COMPANY'S PAYROLL FROM SAFE AND MADE OFF WITH IT AND HIS PRIVATE SECRETARY TO ARGENTINE EMBASSY. CASE OF PARTICULAR INTEREST BECAUSE SUBJECTS HAVE ALREADY BEEN GRANTED SAFECONDUCTS, AND, HAVE LEFT CHILE, ACCORDING TO CHILEAN PRESS, ARE BEING

DETAINED AT GOC REQUEST BY ARGENTINE AUTHORITIES. EXTRADITION REQUESTS FOR THEM MAY BE FIRST TO LEAVE MINFONRELS.

7. COMMENT. GIVEN STATE OF INTERNATIONAL OPINION IT IS DIFFICULT TO IMAGINE MANY COUNTRIES EXTRADITING CHILEAN POLITICAL ASYLEES. OUR IMPRESSION IS THAT EXTRADITION COURSE IS SOMEWHAT FACE-SAVING WAY OF MANEUVERING AROUND STRONG INTERNAL PRESSURES NOT TO LET ALLENDE-ERA PERSONALITIES ESCAPE WITHOUT PUNISHMENT FOR THEIR REAL OR IMAGINED CRIMES.BEGINNING OF EXTRADITION PROCEEDINGS IN NO WAY COMMITS GOC TO CLEARING ALL EMBASSIES AS SOON AS POSSIBLE. SOME POLITICAL FIGURES ARE JUST "TOO HOT" TO LET LEAVE COUNTRY. SOME NATIONS, NOTABLY THOSE SUCH AS SWEDEN AND ITALY, WHICH ARE NOT HIGH ON GOC'S FRIENDSHIP LIST, MAY FIND THEMSELVES WITH GUESTS FOR A LONG TIME TO COME. ASYLEES WILL BECOME, IN MANY INSTANCES, HOSTAGES IN INVOLVED BILATERAL DEALINGS. ONE MEMBER OF FRG EMBASSY TOLD EMBOFF RECENTLY THAT ONCE FRG GETS RID OF APPROXIMATELY 50 ASYLES WHO WILL BE PROBABLY GRANTED SAFE-CONDUCTS WITHOUT TROUBLE,IT WILL THEN BEGIN "PUTTING THE PRESSURE ON" TO GET SAFECONDUCTS FOR APPROXIMATELY 30 MORE WHO CURRENTLY IN DEFERRED STATE. ASYLEES AND PROBLEMS THEY CREATE FOR CHILE'S BILATERAL RELATIONS AND INTERNATIONAL IMAGE WILL BE ISSUES OF CONCERN FOR FORESEEABLE FUTURE.

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